

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

In the Matter of)

)
 Amendment of Section 73.202(b),
 Table of Allotments
 FM Broadcast Stations.
 (Los Lunas, Espanola and
 Pojoaque, New Mexico)

MM Docket No. 93-49

RM-8193

RM-_____

To: Chief, Allocations Branch
 Policy and Rules Division
 Mass Media Bureau

COMMENTS AND COUNTERPROPOSAL

Cheryl S. Potter, by her attorneys and pursuant to Sections 1.415 and 1.420 of the Commission's Rules, hereby submits comments and a counterproposal to the amendments to Section 73.202(b), the FM Table of Allotments, proposed in the above-captioned Notice of Proposed Rule Making ("NPRM"), DA 93-245, released March 23, 1993. In support, the following is offered:

1. In response to a petition for rule making filed by Elliott McDowell ("McDowell"), the NPRM proposes the substitution of Channel 273C for Channel 273C2 at Los Lunas, New Mexico, and the modification of the license for Station KOYT to specify operation on the higher class co-channel. In order to accomplish the upgrade, the NPRM proposes to substitute Channel 225C3 for Channel 272C3 at Espanola, New Mexico and to modify the license for Station KIOT to specify the substitute channel.

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2. Pursuant to Section 1.420 of the Commission's Rules, Potter herein submits as a counterproposal to the NPRM, the allotment of Channel 225C3 at Pojoaque, New Mexico as that community's first local service. Potter's counterproposal satisfies the Commission's third FM allotment priority -- first local service. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 92 (1982).

3. Pojoaque is located in Santa Fe County, New Mexico. The 1990 Census estimates the population of Pojoaque, New Mexico, at 1,037 persons. Pojoaque is a census designated place.

4. Allotment of Channel 225C3 at Pojoaque can be accomplished in full compliance with the distance separation requirements of Section 73.207 of the Commission's Rules to all existing and proposed allotments and stations -- except McDowell's proposal to substitute Channel 225C3 for Channel 272C3 at Espanola -- and requires no channel substitutions at other locations. Allotment of Channel 225C3 at Pojoaque will provide the entire principal community with the requisite city grade coverage and will provide Pojoaque its first local service. Attached hereto are Engineering Exhibits prepared by Hadfield & Associates. The Engineering Exhibits contain a channel study which establishes that from Potter's preferred reference coordinates (36° 05' 45" north latitude and 105° 56' 51" west longitude) Channel 225C3 can be allocated to Pojoaque in full compliance with all of the Commission's technical rules.

5. Potter's counterproposal is preferable to McDowell's proposal. McDowell's proposal would not provide either Los Lunas or Espanola any first or second aural reception service or first local service. The village of Los Lunas, whose 1990 Census population was 6,013, is served by two local FM stations and Espanola is served by one local FM station. In contrast, allotment of Channel 225C3 to Pojoaque will provide a first local service. As such, Potter's proposal for a first local service serves a higher allotment priority than McDowell's proposal for the upgrade of an existing service. See Revision of FM Assignment Policies and Procedures, supra, 90 FCC 2d at 92.

6. Potter will file an application for the construction permit for Channel 225C3 at Pojoaque if the allotment is made and will construct and operate the facility if awarded the construction permit for Channel 225C3.

WHEREFORE, for the foregoing reasons, Potter submits her comments and counterproposal to the NPRM and respectfully requests that her proposal to allot Channel 225C3 to Pojoaque be adopted and McDowell's proposal to substitute Channel 225C3 for Channel 272C3 at Espanola be denied.

Respectfully submitted,

CHERYL S. POTTER

By: John R. Wilner
John R. Wilner
Rebecca L. Dorch

Bryan Cave
700 13th Street, NW
Washington, DC 20005-3960

Date: May 13, 1993

HADFIELD & ASSOCIATES
PROFESSIONAL BROADCAST ENGINEERING
11172 S.E. 59th STREET
BELLEVUE, WA 98006
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ENGINEERING EXHIBITS

REQUEST BY:

CHERYL S. POTTER

**TO AMMEND SECTION 73.202(b)
FOR ALLOCATION OF FM CHANNEL**

225 (C3) 92.9MHz

TO: POJOAQUE, NEW MEXICO

**HADFIELD & ASSOCIATES
Professional Broadcast Engineering
Bellevue, Washington**

GENERAL ENGINEERING STATEMENT

The following Engineering data and exhibits support a request by Cheryl S. Potter ("Potter") to amend Section 73.202(b), FM Table of Allotments.

Potter proposes to add FM Channel 225 (92.9MHz) to the community of Pojoaque, NM. The allotment is requested as a full Class C-3 facility.

The Potter proposal will not alter other presently assigned or allotted channels or result in short spacing with existing stations in the United States or Mexico.

All distance figures used in this report are metric.

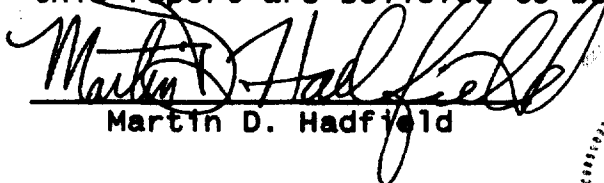
Shown in the attached "CLASS C-3 FM CHANNEL STUDY" are the detailed site/channel restrictions on the use of channel 225(C3). Proponent has received reasonable assurance of site availability from the Bureau of Land Management, Taos, NM.

Operation from the proposed site provides a 70dBu contour well beyond the most distant community boundary of Pojoaque, New Mexico.

ENGINEERS CERTIFICATION

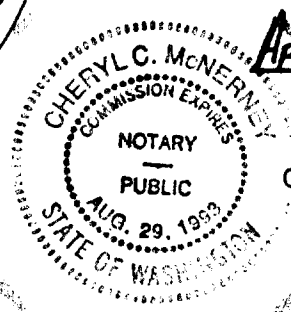
Martin D. Hadfield, being duly sworn on his oath, states that he is an experienced and qualified Radio Engineer, certified as a Professional Broadcast Engineer by the Society of Broadcast Engineers and maintains an office for the practice of such Broadcast and Telecommunications Engineering. Mr. Hadfield has been involved in broadcast engineering for over 21 years. His qualifications are a matter of record with the Federal Communications Commission.

The data, measurements and calculations utilized in producing this report were prepared or directly supervised by him. All representations of fact, information and belief contained in this report are believed to be true and correct.


Martin D. Hadfield


Cheryl C. McNerney

29 April 1993
Date



APRIL 29th 1993
Date

Commission Expires
8/29/93

CLASS C-3 FM CHANNEL STUDY
PROPOSED CHANNEL 225-C3 (92.9MHz)
POJOAQUE, NEW MEXICO

REFERENCE COORDINATES

Latitude: 36-05-45

Longitude: 105-56-51

CALL CITY OF LICENSE	AUTH LICENSEE NAME	ST FCC FILE NO.	CHAN FREQ	ERP-KW EAH-M	LATITUDE LONGITUDE	BR-TO -FROM	DIST. (KM)	REQ. (KM)
KRST Albuquerque	LIC Commonwealth Broadcastin	NM BMLH-900424KH	222C 92.3	22 1268	35-12-55 106-27-02	205.0 24.8	107.8 11.80	96 CLEAR
ALLOC Albuquerque		NM	222C 92.3		35-12-55 106-27-02	205.0 24.8	107.8 11.80	96 CLEAR
Coordinates updated from LIC record BLH800425AH								
ALLOC Trinidad		CO DOC-83-594	223C 92.5		37-08-45 104-30-42	47.2 228.1	173.4 77.40	96 CLEAR
COORDIANATES ARE FOR KCRTFM PER D83-594								
KCRT-FM Trinidad	LIC Essex Iii Broadcasting,	CO BLH-810804AF	224A 92.7	3 -86	37-08-45 104-30-42	47.2 228.1	173.4 84.40	89 CLEAR
*TO CHANNEL 223 PER D83-594								
PRM Espanola	ADD Elliott McDowell	NM	225C3 92.9		36-04-41 105-56-16	156.2 336.2	2.158 -151	153 SHORT
Site Restricted 16.2km northeast								
KRWN Farmington	LIC Music Men, Inc.	NM BLH-890113KG	225C1 92.9	63 120BT	36-41-45 108-13-23	288.8 107.5	214.7 3.700	211 CLOSE
ALLOC Farmington		NM	225C1 92.9		36-41-45 108-13-23	288.8 107.5	214.7 3.700	211 CLOSE
Coordinates updated from LIC record BLH890113KG								
ALLOC Grand Junction		CO	226C1 93.1		38-52-40 108-13-34	327.7 146.3	368.7 224.7	144 CLEAR
Coordinates updated from LIC record BLH860818KA								
ALLOC Albuquerque		NM	227C 93.3		35-12-42 106-26-59	204.9 24.6	108.1 12.10	96 CLEAR
Coordinates updated from LIC record BLH841011BY								
KKOB-FM Albuquerque	LIC Kob-FM, Inc.	NM BLH-841011BY	227C 93.3	21.5 1265BT	35-12-42 106-26-59	204.9 24.6	108.1 12.10	96 CLEAR
ALLOC Alamosa		CO	228A 93.5		37-28-20 105-51-13	3.1 183.2	153.0 111.0	42 CLEAR
Coordinates updated from LIC record BLH4443								
ALLOC Hereford		TX DOC-87-545	278C2 103.5		34-49-18 102-23-54	112.7 294.8	351.8 334.8	17 CLEAR
Filing window 12/23-01/23/89 **CLOSED**								
NEW Grants	APC KKOR/KYVA, Inc.	NM BPH-920611MG	279C 103.7	100 428	35-08-53 107-37-39	235.7 54.8	185.0 154.0	31 CLEAR
Cut-off 09/30/92								

>> End of channel 225C1 study <<

POJOAQUE, NEW MEXICO
 CH 225 (92.9MHz)
 PROPOSED CLASS-C3
 PROPONENT: CHERYL S. POTTER

COMPUTED DISTANCE TO CONTOURS (PART 73)

NEW - POJOAQUE, NM
 Channel 225 25.000 kW

Azimuth (Deg T)	HAAT (m)	Horizontal Relative Field	Equiv Power	Rough Correct	f(50,50) 70.0 dBu (km)	f(50,50) 60.0 dBu (km)
.00	153.35	1.000	25.000	.000	28.00	46.43
45.00	39.39	1.000	25.000	.000	14.33	25.49
90.00	-166.39*	1.000	25.000	.000	12.74	22.82
135.00	-110.42*	1.000	25.000	.000	12.74	22.82
180.00	139.19	1.000	25.000	.000	26.83	44.55
225.00	261.40	1.000	25.000	.000	36.10	55.86
270.00	287.54	1.000	25.000	.000	37.64	57.74
315.00	194.92	1.000	25.000	.000	31.33	50.68

99.88 m Cardinal Average						
Contour Areas:					2276.76	5862.45

* HAAT assumed to be 30. m

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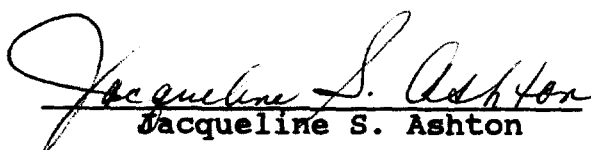
CERTIFICATE OF SERVICE

I, Jacqueline S. Ashton, a secretary in the law firm of Bryan Cave, hereby certify that on this 13th day of May 1993, copies of the foregoing "Comments and Counterproposal" were sent first-class mail, postage prepaid to the following:

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Jacqueline S. Ashton

* Hand-Delivered